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E.O. 12958: DECL: CLOSURE OF ICTY
TAGS: [PGOV](#) [PREL](#) [SR](#)
SUBJECT: DISAPPOINTING DEL PONTE VISIT TO BELGRADE (ICTY
ACTION PLAN UPDATE NO. 6, SEPT 25 - OCT 3)

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Classified By: Ambassador Michael Polt, reasons 1.5 (b,d)

SUMMARY

¶1. (C) As foreshadowed by ICTY Action Plan Coordinator Ljajic late last week, the Serbian government presented lots of promises but reported little substantive progress in October 2-3 meetings with visiting ICTY Chief Prosecutor Carla Del Ponte. At the end of her visit, CDP told us that her assessment of the GOS' implementation of its Mladic Action Plan is "absolutely negative."

Ljajic's Weekly Report: No Good News

¶2. (C) In his weekly meeting with polcouns on September 29, Ljajic had nothing new to report. He appeared unhappy about the arrival of Del Ponte and seemed resigned to an unpleasant visit. He noted her critical remarks after her meeting with EU Enlargement Commissioner Rehn, but was adamant that the government was doing everything possible to locate Mladic and the other remaining PIFWCs. He said that Del Ponte would receive a detailed report of the intelligence and activities related to the Mladic search, but it would add nothing new from prosecutor Vukcevic's most recent report. On the postponement of the trial of Mladic supporters announced earlier in the week, Ljajic stated that while the judge had handled it less than optimally, there was no real surprise in the defendants' efforts to accuse the government of complicity. He did not expect that to alter the likely guilty verdict.

¶3. (C) When asked about how recent political events -- the resignation of G17 Plus and the passing of the new constitution by Parliament -- might impact GOS efforts on Mladic, Ljajic said, "that is the exact question I posed to the Prime Minister this morning." He commented that the package that had been approved in connection with the constitution (parliamentary vote, referendum, follow-on elections) was a "total farce; unbelievable even by Serbian

standards." While Ljajic opined that the election-related activities were a sham, i.e., a backroom deal among the major parties that would make the referendum and elections only about Kosovo, Ljajic insisted that the PM's, his and the Action Team's efforts on Mladic were serious, transparent, and without reservation.

Del Ponte Disgusted With Serbian Efforts

¶4. (C) Del Ponte's arrival several days later confirmed Ljajic's bleak prognosis. In her outbrief to local embassies following two days of meetings with Serbian Government officials, Del Ponte said that she was "dissatisfied" with the implementation of the Action Plan for three main reasons. First, she considered the outflow of information among the key players to be poor. Second, she was disappointed with the lack of coordination among the Serbian State Intelligence Service (BIA) and the Serbian Military Intelligence Service (VBA). Third, she said that the GOS lacked a focused and coherent strategy and was merely "fishing around" in Mladic's support network. On this point, she cited inconsistencies in the GOS reports on Action Plan implementation and claimed that the GOS had absolutely no promising leads. She opined that if there was no significant change in these areas, the GOS would "never catch Mladic." Del Ponte announced she was assigning an analyst in Belgrade to liaise with the Action Plan players to provide her daily briefings and updates.

¶5. (SBU) Del Ponte criticized Serbian Prosecutor for War Crimes Vukcevic's efforts, claiming he was "coordinating" and not "directing" and that the results were erratic and inconsistent. She noted that BIA Chief Bulatovic and VBA Head Kovac made numerous claims in her meetings of which Vukcevic was not aware. She ended by alleging that her office has 2-3 pieces of "concrete evidence" proving that the GOS is not cooperating with the ICTY, citing lack of political will to seriously go after Mladic.

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Del Ponte Asks For US Advice

¶6. (C) At a dinner with the Ambassador, Del Ponte asked how she should approach her meeting with Prime Minister Kostunica. She described her five-hour meeting with Vukcevic earlier that day as "five hours of trash." The Ambassador encouraged Del Ponte to press Kostunica to kick off an intensive media campaign with an "Oval Office-type" speech to the public calling for Mladic's arrest and extradition. Del Ponte wondered whether she should push Kostunica to fire Bulatovic and Kovac since they had produced no results. The Ambassador doubted that Kostunica would take any such action, but agreed it would not hurt to make such a suggestion as a technical move to suggest the seriousness of our approach. Del Ponte finally admitted to the Ambassador that she was wrong in March when she defiantly insisted that Kostunica would turn over Mladic by April, but said she still had "a gut feeling" that something positive would happen with regard to Mladic by the end of the year.

Kostunica's Empty Promises

¶7. (SBU) According to Del Ponte, Prime Minister Kostunica told her that he was willing to give Vukcevic all the authority he needed to head the search for Mladic, including support for legislation that would give the prosecutor the ability to target support networks. COMMENT: Since Parliament is likely to be in recess until after the constitutional referendum, Kostunica's assurances will have little practical effect in the near term. END COMMENT. Although Kostunica also assured Del Ponte that there were no political obstacles to apprehending Mladic, she remains extremely skeptical. She claimed that the Action Team confirmed to her that the GOS missed an opportunity to arrest Mladic in February, instead opting to communicate with an

intermediary in an attempt to entice him to voluntarily surrender.

¶8. (C) Del Ponte told local Embassies that she had pressed Prime Minister Kostunica to make an Oval Office-type address as well as to lead a more aggressive public campaign, which could create a more conducive climate for Mladic's arrest. Kostunica, who Del Ponte described as "calm" and "quiet" claimed that he would seriously consider these options and was "ready to do more," but his watered down and uninspired public statement after their meeting indicates that he probably has no intention of taking more aggressive action.

¶9. (C) CDP bemoaned the fact that "she alone" is looking for Karadzic. NATO's departure from Bosnia and EUFOR's lack of a clear PIFWC mandate made the picture even bleaker, she said. CDP said that the OTP believed that Karadzic was frequently on the move between the RS, Montenegro, and Serbia, but that OTP's "current information" is that Karadzic is not/not in Serbia. CDP's team also reported that the GOS believes that PIFWC Goran Hadzic is not in Serbia.

COMMENT

¶10. (C) Del Ponte's visit did not bring any new revelations on the Action Plan or the search for Mladic. Ljajic seems increasingly dejected in our weekly meetings; while Vukcevic in our private discussions seems to be getting nervous that he will be everyone's fall guy for any dramatic failure. Clearly frustrated, Del Ponte indicated she would probably present a highly negative assessment to the EU Troika later this month. Kostunica continues to promise full cooperation, but refuses to take any significant action on this issue, and with the constitutional referendum, elections, and Kosovo, it is likely to become increasingly difficult to get the GOS to focus more intently on this issue.

POLT